

STATE OF OREGON

COUNTY OF BAKER

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

Kerns Bros, Inc.
Rural Route 1
Haines, OR 97833

confirms the right to use the waters of a well in the Powder River Basin for supplemental irrigation of 176.00 acres.

This right was perfected under Permit G-4970. The date of priority is June 14, 1971. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.69 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW¼ SE¼, Section 7, T 8 S, R 39 E, WM; 50 feet North and 2300 feet West from SE corner, Section 7. (41951)

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre of reach acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

| AC | LOT | ¼ ¼ | SEC | Township | Range |
|-------|------|------|-----|----------|---------|
| 39.10 | 2400 | SENE | 7 | 8 South | 39 East |
| 37.80 | 2400 | NESE | 7 | 8 South | 39 East |
| 30.00 | 2400 | NWSE | 7 | 8 South | 39 East |
| 30.00 | 2400 | SWSE | 7 | 8 South | 39 East |
| 39.10 | 2400 | SESE | 7 | 8 South | 39 East |

TOTAL ACRES 176.00

This certificate confirms an order of the Director entered on OCT 28 1996 and recorded in Special Order Volume 50 Page 735, approving a petition by Kerns Brothers, Inc. under ORS 541.329 for mapping water rights within a district. This certificate supersedes certificate 41951, issued in the name of Thomas L. & Jean B. Griffith.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in said permit.

WITNESS the signature of the Water Resources Director, affixed OCT 28 1996.


Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 72613.
44943.KS